

Kyrgyzstan

by Erica Marat

Capital: Bishkek
Population: 5.2 million
GNI/capita: US\$1,980

The data above was provided by The World Bank, *World Bank Indicators 2009*.

Nations in Transit Ratings and Averaged Scores

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	5.00	5.75	5.75	6.00	6.00	6.00	5.75	5.75	6.00	6.00
Civil Society	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.75
Independent Media	5.00	5.00	5.75	6.00	6.00	5.75	5.75	5.75	6.00	6.25
Governance*	5.00	5.25	5.50	6.00	6.00	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.25	6.50
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	6.25	6.25	6.50	6.50
Judicial Framework and Independence	5.00	5.25	5.25	5.50	5.50	5.50	5.50	5.50	6.00	6.00
Corruption	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.25	6.25
Democracy Score	5.08	5.29	5.46	5.67	5.67	5.64	5.68	5.68	5.93	6.04

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

On March 24, 2008, Kyrgyzstan celebrated the third anniversary of the so-called Tulip Revolution. While the day is officially commemorated as a national holiday, for the majority of the public it merely marks the change of political regimes, from one corrupt leader—Askar Akayev—to another—Kurmanbek Bakiyev. President Bakiyev has become infamous for even greater levels of corruption, authoritarianism, and ineffective economic policies than his predecessor. Celebrations in the capital city, Bishkek, were mostly government efforts to demonstrate progress and encourage optimism regarding the political changes that took place in 2005. Most opposition leaders, however, associated the day with dashed hopes.

In 2008 President Bakiyev adopted several laws limiting freedom of speech and assembly, provoking international criticism of his regime. Furthermore, in 2008 the president replaced the heads of all security structures and revamped cadres in his administration with family and close friends. The subsequent intra-family competition over cadre politics and control of hydropower resources resembles the rivalry within Akayev's family, which contributed to the rapid collapse of his government.

There are other signs of simmering problems; Besides the worsening record of democratic governance, the country's economy has been deteriorating and the hydropower sector continues to be mismanaged. Winter 2008 was marked by frequent rotating blackouts, while double-digit inflation peaked at the end of summer. In the meantime, the opposition in Kyrgyzstan is slowly regrouping to challenge the government.

National Democratic Governance. Following the December 2007 parliamentary elections President Bakiyev formed a new government with loyal political supporters primarily interested in the continuity of the current political regime and their public offices. Most of the new ministers have low popular approval ratings, yet President Bakiyev installed his candidates with ease; His Ak Zhol political bloc formed in October–November 2007 occupies the majority of parliamentary seats. Only one opposition political party was able to win seats in the parliament. *Due to the amendment and adoption of laws limiting freedom of speech and assembly, along with inappropriate and unpopular political appointments Kyrgyzstan's rating for national democratic governance worsens from 6.25 to 6.50.*

Electoral Process. Following parliamentary elections in December 2007, local government elections on October 5, 2008 allowed President Bakiyev's regime to place more loyal supporters in power. The competition for local elections was fierce,

with roughly 15,000 candidates registered for 491 contested seats. According to local experts, even the number of candidates informally supported by the government exceeded the available local government positions. The government mobilized public employees of various ranks to facilitate pro-regime victories. As a result, mostly candidates supportive of the ruling regime were able to win seats. International observers were not allowed to attend the elections, and observers fielded by the candidates engaged in massive falsification of results. *Given the uncompetitive nature of the local government elections, Kyrgyzstan's electoral process rating remains 6.00.*

Civil Society. Kyrgyz civil society groups remain the most vibrant political and social force in the country. A number of leading NGO activists regularly speak out on political development in Kyrgyzstan, attracting the attention of the wider public. A handful of NGOs actively work on gender issues, poverty reduction, border delimitation, the population's access to water and sanitation, and environmental protection. Some of these issues have become part of official policy. However, President Bakiyev's endorsement of a new law on assemblies significantly represses local NGO activity. *As a result, the civil society rating for Kyrgyzstan worsens from 4.50 to 4.75.*

Independent Media. Mass media in Kyrgyzstan experienced strong pressure from the government in 2008. Several independent newspapers were persecuted by the government and sued by public officials in courts supporting the regime, while at least three opposition journalists left the country in the past two years to escape unfair trials. Two newspapers were shut down for criticizing the ruling elites. A few online news outlets experienced problems as well. The president's amendments to the Law on Television and Radio Broadcast brought the most detrimental change in 2008 by imposing strict broadcasting rules on local outlets. *Given the numerous persecutions of journalists and new amendments to the law on mass media, Kyrgyzstan's rating for independent media worsens from 6.00 to 6.25.*

Local Democratic Governance. Compared with neighboring Central Asian states, local democratic governance is more developed in Kyrgyzstan, with local government officials achieving a great degree of autonomy from the central government. However, in the October 5, 2008 elections results were largely falsified in favor of Ak Zhol, especially at city councils. The competition was fierce, even among pro-regime candidates. Shortly before the elections, the chair of the Central Elections Committee, Klara Kabilova resigned, releasing a video statement that described psychological and physical intimidation by Maksim Bakiyev, to secure the victories of specific candidates in the run-up to elections. *Due to uncompetitive local elections in October, Kyrgyzstan's local democratic governance rating remains 6.50.*

Judicial Framework and Independence. The judicial sector remains among the least trusted institutions in Kyrgyzstan due to pervasive corruption among judges and a low level of professionalism. Efforts facilitated by various international donors

to reform the judicial sector were unsuccessful partly due to the lack of will among local judges and politicians. The judicial system is often used to persecute members of the political opposition. The Constitution of 2007 allows the president to appoint judges, while parliament, dominated by Ak Zhol can potentially help the president to dismiss heads of the Constitutional and Supreme Court. This allows President Bakiyev an opportunity to secure the Constitutional Court's support in holding early presidential elections. *Given the president's control over the judicial system, the country's judicial framework and independence rating remains 6.00.*

Corruption. In 2008 Kyrgyzstan's hydropower sector faced the brink of collapse due to years of poor management and pervasive corruption. In spring, water levels dropped to an extreme low at the Toktogul reservoir, the main hydropower site in the country, while reports of the illegal sale of hydropower by high-ranking officials continued to surface. Yet, despite the crisis, expert reports confirmed ongoing embezzlement of water resources by top government officials. Such a devastating record of corruption among high-ranking officials affected virtually the entire population. *Kyrgyzstan's corruption rating remains at 6.25.*

Outlook for 2009. Over the course of his three years in power, President Bakiyev has secured loyalty of all state institutions. Except for the confrontation between Maksim and Zhanysh Bakiyev, which might eventually weaken the ruling government, the president has built the basis to prolong his power despite low popularity at home. Like the snap parliamentary elections in December 2007, an early presidential election will no doubt be uncompetitive. Furthermore, the entire state apparatus works to support the incumbent president's reelection, with the Constitutional Court justifying Bakiyev's attempt to hold early elections in 2009.

Declining remittances from labor migrants due to an economic downturn in Russia and Kazakhstan in 2009 will likely have a major effect on stability in Kyrgyzstan as more people will be forced into poverty. In 2008 President Bakiyev showed little interest in alleviating the impact of the global economic downturn. On the contrary, a new tax code stifled small businesses and increased unemployment. Thanks to a fairly mild winter and low energy consumption in 2008 the public mood is less aggressive towards the president than was expected as the energy crisis unraveled. Yet, blackouts will continue in 2009. There is some chance that popular opposition leaders will organize the masses against President Bakiyev.

MAIN REPORT

National Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	6.00	6.00	6.00	6.25	6.50

The new Kyrgyz government, formed following parliamentary elections on December 16, 2007, is composed of many of the same individuals who occupied top positions under former president, Askar Akayev, deposed in March 2005. President Kurmanbek Bakiyev has surrounded himself with loyal political supporters interested primarily in retaining their positions with the continuity of the current political regime. The president's political bloc, Ak Zhol, formed only two months prior to the elections, won the majority of parliamentary seats in December 2007. Only one opposition political party—Social Democratic Party of Kyrgyzstan (SDPK)—was able to win seats in the Parliament. Ak Zhol will be interested in having President Bakiyev reelected in 2009 for another term, yet the bloc's populist and corrupt politics might prevent the president from peacefully and predictably giving up state power when his two constitutional five-year terms expire.

In the spring of 2008, a scandal split the Ak Zhol party into two rival groups. A clash of business interests and political ambitions initiated the conflict between the two groups, but a confrontation between then Speaker of the Parliament Adakhan Madumarov and other members of Ak Zhol revealed the intensifying rivalry between the two camps within Kyrgyzstan's political elite. The first camp was informally led by Madumarov, head of the presidential administration Daniyar Usenov, and State Adviser to the President Usen Sydykov, while the second camp clustered around Medet Sadyrkulov, former head of the presidential administration. As a Parliament Speaker, Madumarov facilitated the adoption of legislation such as privatization of the energy sector. However, his suggestion in April to redecorate the Parliament hall with rare wood paid for by the government provoked confrontation among his rivals in Parliament, which led to his replacement.

The Madumarov case shows that both political camps are strong and that Bakiyev must balance between them to prevent weakening his regime. Madumarov has supported President Bakiyev and shielded him from criticism by opposition forces. Madumarov was also backed by Kambaraly Kongantiyev, the president's special representative in Parliament. In October 2008, Madumarov was appointed to head the Security Council despite his lack of experience in security issues, while Aitibai Tagayev, a previously unknown figure in Ak Zhol, took his place as Speaker of the Parliament.

The competition between the two camps intensified significantly after Parliament approved privatization of the energy sector in April, and their interests diverged with regard to prospective investors. Kyrgyz experts believe that Usenov was

interested in allowing Kazakh investors to privatize the country's major hydropower sites, as he had been the key figure lobbying for Kazakhstan's acquisition of four resorts at Lake Issyk-Kul and brokering several other large-scale deals with Kazakh investors. Maksim Bakiyev, the president's son, had different plans for the energy sector involving Russian investors. Although the currently competing groups are composed of the country's richest individuals, control over energy resources in Kyrgyzstan will pave the way for political leverage in the coming years. Political elites have, in effect, already commenced their campaigns for the next presidential elections scheduled for 2010.

Starting in early 2008, President Bakiyev increasingly resorted to the use of security structures to ensure the compliance of public figures. In May, Minister of Defense Ismail Isakov was replaced by Bakytbek Kalyev, former head of the State Guard, who was considered more loyal to President Bakiyev since he headed the structure directly responsible for the president's security. Isakov was moved to the directorship of the Security Council, the position from which he had resigned in October, criticizing President Bakiyev for corrupt and inefficient policies. Minister of the Interior Moldomusa Kongantiyev, appointed in January, is also known as a figure loyal to the president.

Ak Zhol's majority in the Parliament and the president's family and business connections in the security agencies enable President Bakiyev to control all personnel decisions in the government and Parliament. Furthermore, in December the president ordered the Parliament to permit the Defense Ministry's armed forces to intervene in domestic affairs. According to a public statement by the nongovernmental organization (NGO) Coalition for Democracy and Civil Society, by allowing Defense Ministry troops to operate together with the police, Parliament is flouting the constitutional rights of Kyrgyz citizens.

Electoral Process

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.00	5.75	5.75	6.00	6.00	6.00	5.75	5.75	6.00	6.00

In 2007, despite widespread disappointment with the corruption of the Bakiyev regime and the opposition's inability to challenge its power or contest election results, a constitutional referendum and parliamentary elections were held. The parliamentary elections in December 2007 were largely falsified, and instances of broken seals on ballot boxes and multiple voting were widespread. On October 5, 2008, this scenario repeated itself during local government elections. The competition for local government seats was fierce, with 491 seats contested and roughly 15,000 candidates registered. Candidates included 324 members of Ak Zhol, 201 SDPK members, 94 Communists, and 55 representatives from Ata Meken. Roughly one-fourth of all candidates registered for city *keneshes* (councils), while the others competed for village-level positions.

Both Kyrgyz and international experts believe that the local government election results were largely falsified, with most seats going to government-favored candidates. Neither the opposition forces nor local NGOs were able to influence the outcome of the elections. Roughly 24,000 local observers, most of whom were picked by the candidates themselves monitored the elections. However, as one Kyrgyz NGO leader in Bishkek commented, “The falsifications were so obvious and widespread that observers were not able to report all cases of fraud.”¹ One common example of election fraud was the use of teachers to mobilize support for pro-government candidates, as most voting places were located within schools.

According to local experts, the number of candidates informally supported by the government exceeded the positions available in the local government. One expert from Bishkek reported that there was an active “selling” of positions: “The number of pro-regime candidates exceeded four times the number of available seats in Bishkek; this might signify an ongoing bargaining.”² Over 370 candidates were registered for the 44 seats available in the Bishkek *kenesh*. The National University was the most contested precinct in Bishkek, where university faculty manipulate and blackmail students into supporting candidates through their grades. A total of 61 candidates competed for four seats at the precinct.³

Central Election Commission (CEC) chair Klara Kabilova resigned just days prior to the vote and released a video statement describing psychological and physical intimidation by the president’s son Maksim Bakiyev, claiming he repeatedly threatened her and her family members in the run-up to local elections. Kabilova fled the country with her family. Her daughter was also subjected to strong pressure from the Kyrgyz embassy in Moscow. Although Kabilova’s statement did not affect the election process, it further galvanized the Kyrgyz opposition against the president. The long-term impact of her confessions on the political situation in the country is less clear.

While Kabilova’s depiction of the intimidation by the president’s son, known for his informal control of major political and economic sectors, came as no surprise to most in Kyrgyzstan, the political opposition, NGO leaders, and the government reacted strongly to her statement. Similar allegations had been voiced by former SDPK member Edil Baisalov in December 2007. Baisalov had published a sample ballot on his personal blog shortly before the parliamentary elections, prompting the CEC to invalidate all ballot papers and create new ones. Although no trial had taken place by the end of 2008, the SDPK was charged with a US\$570,000 fine. Baisalov later revealed that Maksim Bakiyev had directly participated in an attempt to secure the victory for Ak Zhol.

After losing in the December 2007 parliamentary elections, 50 leaders from 18 political opposition parties formed an alternative, shadow parliament in early 2008, which Ak Zhol decried as illegitimate. The shadow parliament convened several times, with thousands of delegates participating from across the country in the usual procedures of a legislative body. The shadow parliament, whose membership list grew in 2008, included former members of Parliament (MPs), heads of opposition parties, former government officials, and NGO leaders. Some of the more well-known figures included the head of the Ata Meken opposition party, Omurbek

Tekebayev; Azimbek Beknazarov, head of the Asaba party; former MP Doronbek Sadyrbayev; former MP Temir Sariyev; and civic activist Cholpon Jakypova. The shadow parliament displayed a greater consensus among its members than the Parliament. However, whether the opposition forces will be capable of challenging the regime by electing a single leader is doubtful. The shadow parliament attempted to compete with Ak Zhol at the local elections by supporting candidates from opposition parties, but the pro-regime party prevailed.

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.75

Kyrgyz civil society groups have remained the most vibrant political and social force in the country. Local NGOs unite former political leaders, academics, journalists, and young activists and are composed of mostly middle-class, urban, university-educated individuals. NGOs in Kyrgyzstan tend to outlast political parties; Kyrgyz NGOs began forming in the months following Kyrgyzstan's independence, and most have grown larger and stronger since, while the government sector has seen frequent turnover and numerous crises. Local civil society groups have used grants allocated by the international community much more efficiently than the government. NGOs publicize issues that the state is often not capable of solving. For instance, a number of NGOs have been working actively on gender issues, poverty reduction, border delimitation, the population's access to water and sanitation, and environmental protection. Some of these NGO recommendations have become part of official policy. Kyrgyz NGOs help the government abide by the international conventions relating to human rights, refugees, and socioeconomic rights signed by Kyrgyzstan during the early years of its independence.

Local NGOs reacted strongly to various state policies and corruption among ruling elites in 2008. NGOs organized following Bishkek mayor Daniyar Usenov's announcement of a "Beloved City" initiative in March, which mobilized schoolchildren to clean garbage from the capital city before a series of major national holidays. NGOs discredited the idea of using schoolchildren to clean up Bishkek's streets as a direct abuse of children's rights. Over a dozen NGOs and human rights activists published a consolidated message against child labor that called on parents to collectively ignore Usenov's announcement, halting implementation of the project. The protest pointed at several important changes that took place in Kyrgyz society in 2008. First, local civil society groups mobilized to protect the rights and health of children in their own communities in an ad hoc activity representing a purely local initiative not financed by any foreign or local donor. Second, Bishkek residents shifted away from Soviet traditions of forced child labor on national holidays. Third, unlike civil society groups, no public official (including ombudsman Tursunbek Akun and Minister of Education Ishengul Bolzhurova) or

law enforcement representative challenged the aforementioned initiative to use children to clean the city, despite the fact that it violates Kyrgyzstan's commitments under the UN's Convention on the Rights of the Child and a number of national labor codes. NGOs were able to effectively formulate and spread their message to raise public concern over policies initiated by the government and, in effect, demonstrated their ability to promote the implementation of international conventions signed by Kyrgyzstan.

Following the popular uprising in March 2005, and amid continuous political instability in the country, Kyrgyz political leaders have habitually attacked local NGOs for their dependence on foreign financing. Some politicians saw local civil society groups cooperating with foreign donors as an encroachment on national sovereignty. Representatives of the ruling regime often labeled NGO leaders as *grantoedy* (grant eaters), questioning the sincerity of their intentions to promote greater transparency in the government and civic participation. Local NGO leaders argue, however, that such criticism is voiced by the government and pro-regime media outlets in order to find a scapegoat for the country's persisting political and economic instability since the ascent of President Bakiyev.

In 2008, President Bakiyev sought to cut back civil liberties through a number of amendments to existing legislation. His amendments to the Law on Freedom of Assembly endorsed by the Parliament in August repressed spontaneous assemblies by civil society by allowing the government to restrict the place, time, and size of public assemblies. The president was able to push a new version of the law through Parliament without holding any meaningful discussions. The law was criticized by the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, noting that it raised "serious concerns and constituted a setback from the earlier version of the law."⁴ In a November legislative session, the Kyrgyz Parliament agreed to increase the number of members required to register religious organizations from 10 to 200. According to the ruling Ak Zhol party, such measures were necessary to restrict the spread of religious extremism in the country. Proponents of the stricter rules, including the head of the State Agency on Religion, Kanybek Osmonaliyev, argue that the 1991 Law on Freedom of Religious Practices and Religious Organizations was outdated and did not reflect current realities. The new law raised concerns from the international public, and the U.S. Congress's Helsinki Commission urged the president to revise it.

Independent Media

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.00	5.00	5.75	6.00	6.00	5.75	5.75	5.75	6.00	6.25

Mass media in Kyrgyzstan experienced strong pressure from the government throughout 2008, yet numerous blogs, online newspapers, and forums regularly criticized the government. Several independent newspapers were sued by public

officials in courts supporting the regime, and a number of opposition journalists were forced to leave the country to escape what would most probably be unfair trials. In December, the government interrupted the broadcast of Azzatyk and BBC radio channels, and some online news outlets experienced similar problems. A number of MPs expressed their intention to vote for censoring online sources that spread libel and spark racism. Censorship of the Internet would ostensibly be limited to ethical matters but could easily turn into a political tool to silence oppositional voices.

In 2008, President Bakiyev supported amendments to the Law on Television and Radio Broadcasting that imposed strict rules on the broadcasts of local outlets by introducing a number of rigid rules, among which are the requirements to fill at least half of the total broadcast time with programs in the Kyrgyz language and ensure that over 60 percent of reports feature national news. These measures were widely viewed as government censorship that further hindered the development of independent media in the country. Owing to a lack of resources, no local TV or radio outlets were able to fill even 50 percent of broadcast time with their own shows, let alone programs in the Kyrgyz language, and most retransmitted Russian programs. Most journalists have asserted that such requirements must be introduced gradually, over the course of several years.

Additional amendments increased the government's leverage in the decision to grant or renew media outlets registration. They also give President Bakiyev the power to appoint the head of KTR, the only nationwide TV and radio corporation. The law was criticized by the OSCE office in Bishkek as working against pluralism of media in the country and preventing their development.

At least two newspapers—*De Facto* and *Alibi*—experienced government pressure in 2008. A court found both newspapers guilty of muddying the reputation of one of Bakiyev's close relatives and fined them 1 million soms (US\$28,570). *Alibi's* editor in chief, Babyrbek Jeenbekov, experienced pressure from law enforcement structures when they realized he was unable to pay the fine, while his counterpart from *De Facto*, Cholpon Orozbekova, fled Bishkek in September. The publication of both newspapers was terminated to warn other media outlets critical of the government. In 2008, several other journalists fled the country fearing government persecution. Most journalists complained that they had been exposed to more violence from governmental, criminal, and law enforcement agencies each year since the March 2005 regime change.

In response to the deteriorating independence of the media, opposition party members and NGO leaders voiced their concern in a number of public forums and publications. Several prominent mass media unions, including Journalists, and Institute of Media Representative, and NGOs, including Kylum Shamy, Interbilim, and Institute for Public Policy, have been active in raising public awareness about the suppression of independent media outlets and the government's illiberal policies. These unions reacted swiftly to the changes in media legislation and sought to generate recommendations to the government and Parliament about how to

strengthen media independence, including the decriminalization of libel and the encouragement of Internet media and forums.

The one-sided reporting of the Russian military campaign in South Ossetia in August demonstrated the dominance of pro-Moscow media in Kyrgyzstan. Virtually all TV, print, and radio outlets supported the Kremlin's justification of the campaign and described the Georgian government as fascist and criminal. The control that Russian mass media outlets in Kyrgyzstan possess partly explains the sympathetic attitudes toward Russia. The popular perspective on international affairs is often shaped by Russian news outlets. Also, Russian entertainment programs featuring chauvinistic humor about labor migrants are popular in Kyrgyzstan.

Local Democratic Governance

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
n/a	n/a	n/a	n/a	n/a	5.75	6.25	6.25	6.50	6.50

The system of local government was first introduced in 2000 by former president Askar Akayev and was largely praised by the international community. Since then, the local government has proven to be an important part of the political system in the country. Local governments have achieved some political independence from the central government despite the fact that their administrative and financial autonomy is limited. Local government representatives are concerned with the issues most immediately affecting their constituents and are able to maintain order at the local level even when the central government is weakened. The local governments were virtually the only political force to retain their full authority during the few hours when former president Askar Akayev was ousted on March 24, 2005. Although the Constitution adopted in 2007 decreased the local government's political autonomy, the 2008 Law on Local Self-Government and Local State Administration enhanced local government's financial independence and provided a clearer definition of its functions.

Despite achievements under both former President Akayev and President Bakiyev, local government was beset by numerous intrigues, and some local leaders resigned from their positions out of fear for their safety. The Kyrgyz Parliament comprises only one chamber and thus lacks local representation. A member of the local government may serve as the direct link between the government and the local population. In the October 5, 2008, local government elections, Ak Zhol sought to elect its own candidates by compelling city mayors and *akims* to falsify the election results in favor of its candidates. Public employees risked losing their positions if they failed to support the preferred candidates. Schoolteachers in particular were used to persuade local constituencies to vote for government-favored candidates. By facilitating victories of loyal candidates to local government, President Bakiyev secured their support in the event of future unrest.

One of the most prominent events surrounding the 2008 local elections was the arrest in April of Ishenbay Kadyrbekov, a member of the Ata Meken opposition party, on charges of corruption. Several MPs and opposition leaders condemned the government's efforts to remove him from the political scene after he registered as a candidate for local government elections. His trial was repeatedly postponed, and the court announced that he would not be released until October 26, 2008. Kadyrbekov was among the most active protesters against former president Akayev's regime. On March 24, 2005, when protests were being held across Kyrgyzstan after rigged parliamentary elections and Akayev was reported to have fled, Kadyrbekov was appointed interim president and prime minister. After occupying the leading position in the country for only a few hours, he was replaced by President Bakiyev following a vote among the opposition forces.

Damir Lisovsky, the CEC chair appointed after Kabilova fled the country, denied all allegations of election fraud. Kyrgyz ombudsman Tursunbek Akun declared the vote to be free and fair, supporting the CEC's assessments. While the CEC reported a 61 percent turnout across the country, Akun said that young people were especially active in casting their votes. Civil society observers, in contrast, argued that the population is passive at best about local elections. Several NGOs insist that most voters did not show up at election polls because of their diminished trust in the government, especially after Kabilova revealed the president's continuous pressure on the CEC.

Judicial Framework and Independence

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
5.00	5.25	5.25	5.50	5.50	5.50	5.50	5.50	6.00	6.00

The judiciary in Kyrgyzstan remains highly politicized and is one of the least trusted state institutions. In 2007, the Constitutional Court supported President Bakiyev's constitutional reform, which led to snap parliamentary elections and granted the president the right to appoint judges. The reforms in the judiciary facilitated by various international donors have had a limited impact on its internal functioning, with most judges still under the direct influence of the Office of the Prosecutor and top-level executive branch officials. Judges who failed to comply with the demands of the president's regime risked dismissal. In January, the chairman of the Supreme Court, Kurmanbek Osmonov, was removed from his position for his criticism of constitutional reforms implemented by the Parliament and president in December 2006 and October 2007. His dismissal showed that with the help of a loyal Parliament, the president is able to control judges of even the highest ranks should they challenge his regime.

In 2007, the U.S. Millennium Challenge Corporation's Threshold program allocated US\$16 million to judicial reform in Kyrgyzstan. This was in addition

to the work of the U.S. Agency for International Development, OSCE, Soros Foundation, and Deutsche Gesellschaft für Technische Zusammenarbeit, which have been the primary supporters of judicial reform in the country. While the external push for judicial reform was strong, internally there was little willingness to change. Few judges have spoken out in support of greater self-governance and fiscal independence. Jury trials encountered resistance from Soviet-educated influential judges. The first pilot jury trials are likely to take place in 2010, but the Kyrgyz Parliament failed to adopt supporting legislation in 2008.

For judicial reform to be effective, the Constitution of 2007 must be revised to limit the president's right to appoint judges. However, President Bakiyev is unlikely to give up his power over the judiciary, as it is one of the primary mechanisms he has used to silence political opponents and business competitors. Also, as long as the Constitutional Court remains under his influence, the president will have a strong instrument with which to renew his term. Already by late 2008, President Bakiyev had expressed his wish to run for president again, and several MPs asked the Court for earlier presidential elections.

In 2008, the president's popularity decreased owing to the energy crisis, and the potential for opposition riots increased. Throughout the year, opposition movement leaders experienced pressure from law enforcement structures. Their assets were seized on a variety of charges such as questionable sources of income and tax evasion. One example of such pressure occurred in December when members of the For Justice movement, led by Omurbek Tekebayev and Alikbek Jekshenkulov, traveled to Washington, DC to present their political program to U.S. officials. Upon their return to Kyrgyzstan, both leaders found several criminal charges pending against them. In another case, General Ismail Isakov, popular among the military rank and file, was charged for the disappearance of military technologies used during his tenure as defense minister. According to Jekshenkulov, these charges are rarely taken to court but serve as a reminder that law enforcement may interrogate political opponents whenever it suits the leadership.

Reports of the prosecutor general's attacks on journalists, NGO leaders, and politicians through fabricated charges of libel and public insult are widespread. Erkin Bulekbayev, leader of the Green Party, was charged for insulting the president's dignity after representatives of the prosecutor general found caricatures depicting the president in his office. The Green Party, comprises primarily young activists and is notorious for staging public campaigns criticizing the president.

Bribes paid to judges or political interference from government officials often determines the outcome of court proceedings. Judges' salaries remain low, and bribes are the main source of income for most judges. Judicial positions are considered attractive, and the competition for vacancies is intense. International inexperience and lack of professionalism make judges believe that political pressure from the government and presidential administration is normal. Widespread corruption among most judges forced ordinary citizens to resort to alternative methods of justice, such as Sharia courts, which are not recognized by the state.

Corruption

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.25	6.25

According to Transparency International's Corruption Perceptions Index, Kyrgyzstan is among the world's most corrupt countries. The country's rating fell to 1.8 in 2008 from 2.1 in 2007, putting it in a range similar to countries such as Turkmenistan, Uzbekistan, and Zimbabwe. Years of poor management and pervasive corruption in the hydropower sector brought it to the brink of collapse in 2008 and greatly contributed to the worsening corruption record. In the spring of 2008, water levels dropped to an extreme low at the Toktogul reservoir, the major hydropower site in the country, while reports of illegal selling of hydropower by high-ranking officials continued to surface. Expert reports confirmed that despite the energy crisis, embezzlement of water resources by top government officials continued.

Although the Kyrgyz government secured energy imports from neighboring states, it still faced growing pressure from its opponents and the public. As winter approached, rolling blackouts raised more concern among the local population in Kyrgyzstan. Urban and rural residents complained about interruptions to their businesses due to electricity shortages. The government's decision to change three-phase capacitors into one-phase capacitors was met with stern opposition by the population, sometimes leading to attacks on government employees. Theft of equipment for the transmission of electricity increased during the regular blackouts, which further exacerbated the intermittent provision of electricity. Sometimes blackouts lasted more than 10 hours a day.

In September, SDPK demanded that Prime Minister Igor Chudinov report how and why the government allowed such a crisis to occur. At the parliamentary hearings on September 9, 2008, Chudinov was asked why the water level in the Toktogul reservoir had decreased since 2005. According to MPs, the water level in the reservoir was roughly 19 billion cubic meters in October 2005, while by April 2008 it had dropped to 6.4 billion cubic meters. Despite the drop, the hydropower production level held steady.⁵ These data reveal that large volumes of hydroelectricity were either stolen or lost in the process. Chudinov blamed the previous regime for unprofessional management of resources and high losses (up to 40 percent) endured by the sector in the production process.

Several other political leaders were more direct in criticizing the government for embezzling revenue from the hydropower sector, leading to the energy crisis. Bakyt Beshimov, an SDPK MP, accused the current regime of artificially creating the crisis, arguing that even when the water level in the Toktogul reservoir was high, there was not sufficient electricity delivered to the public because of corruption within that sector. Although the opposition knew about the looming crisis, its leaders, including those of the SDPK, made little attempt to voice concern. Their criticism became louder when the crisis became almost inevitable.

The growing energy crisis prompted a public debate about the hydropower sector, putting its managers, President Bakiyev, and former minister of energy Saparbek Balkibekov under public scrutiny. The first active discussions of the looming crisis in the hydropower sector appeared in the opposition newspaper *Bely Parokhod* in late 2005 and were later picked up by several news outlets. Local newspapers began reporting the issue from a variety of perspectives, including an examination of corruption in the energy sector and stories of the everyday survival of local people without electricity. Several mass media outlets attempted to uncover the reasons for its occurrence. Meanwhile, the president promised that the crisis would end soon and Kyrgyzstan would be able to export hydropower again owing to the completion of the Kambarata-1 hydropower plant on the Naryn River. It remained unclear, however, when the plant would begin functioning and who would invest in its construction.

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¹ Interview with Nazikbek Kydyrmyshev, Elbilge, Bishkek, October 2008.

² Ibid., Kydyrmyshev.

³ “Iz bole 100 partii, zaregistrovannyh v Kyrgyzstane, svoih kandidatov na vybory v Bishkekskii kenesh ofitsial’no vydvynuli tol’ko 11 organizatsii” [Out of 100 parties registered in Kyrgyzstan, only 11 organizations officially nominated their own candidates for the Bishkek council elections], *www.24.kg*, September 16, 2008.

⁴ “OSCE rights body, Council of Europe express disappointment at signing of amendments to Kyrgyzstan’s assembly law,” press release by the OSCE’s Office for Democratic Institutions and Human Rights http://www.osce.org/odihr/item_1_32721.html, accessed on February 16, 2009.

⁵ “Ob’em vody v Toktogul’skom vodohronilische sostavil 9,619 milliarda kubometrov” [The water volume in the Toktogul reservoir was 9,916 billion cubic meters], *24.kg*, September 24, 2008.

